

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.2027 OF 2006

ORAL ORDER:

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This writ petition is filed questioning the notice dated 14.11.2005 issued by the 3rd respondent under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the Act"), calling upon the petitioner to pay the amounts specified thereunder, within 60 days from the date of notice, failing which, possession of the secured asset would be taken in exercise of the powers conferred under the Act.

The petitioner states that the 2nd respondent has already filed O.S.No.633 of 1998 on the file of the Court of the VII Senior Civil Judge, City Civil Court, Hyderabad, for recovery of the alleged amounts due and obtained a decree and, therefore, without executing the said decree, they cannot invoke the provisions of the Act. It is also stated that as a matter of fact, the property in question is not mortgaged to the 2nd respondent and since the same is not a secured asset, respondents 2 and 3 cannot proceed against the said property. To that effect the petitioner has already made a representation dated 7.1.2006 requesting the 2nd respondent to drop the proceedings. Since the petitioner has made a representation raising objections in terms of sub-section (3A) of Section 13 of the Act, the respondents are bound to consider the same before taking any further steps under the Act.

The writ petition is disposed of with a direction to the 2nd respondent to consider the objections raised by the petitioner in her representation dated 7.1.2006 before proceeding further under the provisions of the Act. No costs.

9th October, 2006.
Kgr

(G. ROHINI, J.)

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.2027 OF 2006

9th October, 2006.

Between:

Smt. Mala Jain.

.. Petitioner.

And

The Central Government of India,
Represented by its Secretary,
Ministry of Finance, New Delhi and others.

.. Respondents.